

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

IVAN BRIAN HAGGIN,

Case No. 2:21-cv-00544-JE

Petitioner,

ORDER TO DISMISS

v.

BRAD CAIN,

Respondent.

JELDERKS, Magistrate Judge.

On August 9, 2021, Petitioner filed a Motion (#22) asking the Court to voluntarily dismiss this case without prejudice.¹ However, he conditioned that Motion upon a guarantee by the Court that such a dismissal would not preclude him from pursuing his federal habeas remedy following the conclusion of his ongoing state-court proceedings. As a result, on September 7, 2021, the Court advised Petitioner that it could not give him

¹ Petitioner filed his Motion to Dismiss shortly after Magistrate Judge Sullivan recommended that the Court deny Petitioner's Amended Motion to Stay (#12). Petitioner lodged no objections to Judge Sullivan's Findings and Recommendation (#20) which Judge Immergut adopted in full on September 7, 2021.

legal advice or provide him with a guarantee of this nature and reserved ruling on his Motion to Dismiss. It advised Petitioner that he must elect either to voluntarily dismiss the case or continue with the action and receive a decision on the merits. The Court specifically advised Petitioner that if he failed to advise it as to his preference, the Court would grant his Motion and dismiss the action without prejudice.

Petitioner has not responded to the Court's September 7 Order (#25), nor has he communicated with the Court since filing his Motion asking to voluntarily dismiss this case. Accordingly, Petitioner's Motion is granted.

CONCLUSION

Petitioner's unopposed Motion to Dismiss (#22) is granted. This action is dismissed, without prejudice.

IT IS SO ORDERED.

October 14, 2021

DATE



John Jelderks
United States Magistrate Judge